

PLANNING BOARD

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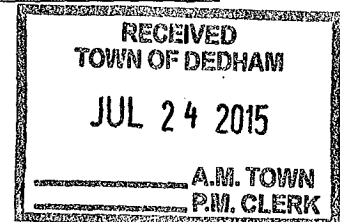
Planning Director

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**TOWN OF DEDHAM PLANNING BOARD
CERTIFICATE OF ACTION**

APPLICATION FOR SITE PLAN REVIEW (MODIFICATION)

Applicant: EB/GP3 480 Sprague Street, LLC

Subject Property: 480 Sprague Street, Dedham, MA

Date: June 25, 2015

PROJECT SUMMARY

EB/GP3 480 Sprague Street, LLC (hereinafter referred to as the "Applicant"), is the owner of the real estate known and numbered as 480 Sprague Street, Dedham, MA (hereinafter referred to as the "Subject Property"). The Project consists of modifications to the site plan previously approved by the Dedham Planning Board on or about June 12, 2014. The modifications consist of (a) relocation of the westerly site driveway and (b) relocation and/or addition of parking spaces and trailer spaces. The relocation of the westerly site driveway is in response to a request for the same by the Town in relation to the Manor Fields Project.

BACKGROUND AND FINDING OF FACTS

1. EB/GP3 480 Sprague Street, LLC, is the owner of the real estate known and numbered as 480 Sprague Street, Dedham, MA.
2. The Subject Property, shown on the Dedham Assessors' Map 157 Lot 7, contains approximately 645,995 square feet of land, and has approximately 960 feet of frontage on Sprague Street.
3. According to the Zoning Map for the Town of Dedham, the Subject Property is located in the Limited Manufacturing A (LMA) Zoning District.
4. The building is currently occupied by an existing commercial building with a floor area of approximately 231,072 square feet. The building is utilized for warehouse, distribution, manufacturing/assembly, and office uses.

5. The Subject Property is heavily landscaped with approximately 200,000 square feet of existing landscaping (190,000 square feet exclusive of required buffers).
6. The most recent parking/site plan for the Subject Property was approved by the Dedham Planning Board on or about June 12, 2014 (hereinafter referred to as the "2014 Plan"). The 2014 Plan modified a plan approved in 2012 that allowed the Applicant to construct an internal paved connection drive between the westerly driveway and the loading area.
7. At the time that the Applicant was before the Planning Board for site plan review of the 2014 Plan, the Town's Manor Fields Project was also before the Planning Board for site plan review. The Planning Board and its peer reviewer had raised safety concerns with the proximity of the proposed drive entrance for the Manor Fields Project to the Applicant's existing westerly driveway. Inasmuch as wetland constraints prevented the relocation of the drive entrance for the Manor Fields Project, the Applicant was requested to consider relocating its westerly driveway (to the east) to further separate the same from the Manor Fields Project's proposed driveway. The Applicant responded positively to this request and indicated that the relocation of the westerly driveway would be shown on a future site plan in conjunction with a potential expansion of its own parking lot, provided that the Applicant had flexibility as to whether or not it would actually construct such expanded parking area.
8. The Certificate of Action approving the 2014 Plan (hereinafter referred to as the "2014 Certificate of Action") contained the following condition:

"Within six (6) months from the date of this Certificate of Action, the Applicant shall submit an "Application for Modification Site Plan Review" depicting a relocation of the westerly site driveway and with such expanding parking area as Applicant may desire. It is understood that (after approval by the Planning Board and Conservation Commission) the actual construction of the relocated driveway shall be coordinated with the opening to the public of the Manor Field Project and that the Applicant may defer the construction of the additional/expanded parking lot."

9. On December 19, 2014, the Applicant¹ submitted the following to the Planning Board (hereinafter referred to collectively as the "Application"):
 - a. Application for (Modification) Site Plan Review along with a Project Narrative
 - b. Application for Abutters List
 - c. Plans entitled "Driveway Realignment with Parking Expansion - Site Development Plans, 480 Sprague Street, Dedham, Massachusetts," dated December 19, 2014, by Highpoint Engineering

¹ The application was originally submitted by NIP Owner III, LLC, then owner of the Subject Property. On May 15, 2015, the Applicant EB/GP3 480 Sprague Street, LLC acquired the Subject Property and has been substituted as the Applicant.

10. The Project Narrative requested the following **WAIVERS** from the provisions of the Dedham Zoning By-Law:

- a. **WAIVER** from Dedham Zoning By-Law Section 5.1.4 (Required Parking Spaces) to reduce the number of parking spaces from 358 to 203 spaces
- b. **WAIVER** from Dedham Zoning By-Law Section 5.2.2.2 (Landscaped Areas – Lot Interior) to allow interior landscaping to be as shown on plan.
- c. **WAIVER** from Dedham Zoning By-Law Section 5.2.2.3 (Landscaped Areas-Perimeter) to allow perimeter landscaping to be as shown on plan.
- d. **WAIVER** from Dedham Zoning By-Law Section 5.1.7.1 (Parking Lot Design Standards) to allow aisle widths to be as shown on plan.
- e. **WAIVER** from Dedham Zoning By-Law Section 5.1.7.1 (Parking Lot Design Standards) to allow parking space size to be as shown on plan.
- f. **WAIVER** from Dedham Zoning By-Law Section 9.5.4 (Application) to eliminate landscape plan and polar diagram.

11. The Application was reviewed by the Planning Board and the Planning Director, and was determined to satisfy all of the submittal requirements for Modification/Minor Site Plan Review under Section 9.5 of the Dedham Zoning By-Law. It was also noted that the Application was submitted within the time period set forth in above-quoted condition of the 2014 Certificate of Action.

12. In accordance with Section 9.5.6 of the Dedham Zoning By-Law, upon receipt of the Application and above materials, the Planning Board distributed copies of the aforesaid plans and reports to and otherwise solicited comments from various Town of Dedham boards, departments, and officials.

13. The Project was referred to McMahon Associates for peer review. Initial report identified eight (8) issues and/or concerns. There have been responses by the Applicant and follow-up reports by McMahon. A final report was issued by McMahon Associates on June 23, 2015, indicating all issues had been satisfactorily addressed.

14. On June 24, 2015, the Applicant and its representatives met with Planning Director Richard McCarthy and Planning Board Chairman John Bethoney to review and discuss abutter concerns and Design Review Board comments relative to the Project. As a result of this meeting, the Applicant agreed to the following (which will be shown on revised plans):

- a. Gaps in the existing frontage landscaped buffer along Sprague Street will be filled in with new trees;
- b. Vertical berms (approximately 6 inches in height) will be installed along the landscaping adjacent to both sides of 502 Sprague Street;
- c. The bollards along the rear of 502 Sprague Street shall remain and will be supplemented with such additional bollards as required to prevent vehicles from backing into the fence at 502 Sprague Street;
- d. The damaged fence sections at 502 Sprague Street shall be replaced and/or repaired as required.

15. The Planning Board reviewed and considered the Project for Minor Site Plan Review at its regularly scheduled meeting of June 25, 2015. Relative to said meeting, the Planning Board caused the required written notice of said meeting to be mailed to abutters to the Subject property as required by Section 9.5.6, and caused the required notice of said meeting to be posted as required by State Law and Town By-Law.
16. Present at the meeting were Members of the Planning Board John R. Bethoney, Chair, Michael A. Podolski, Esq., Vice Chair, Robert D. Aldous, Clerk, James E. O'Brien IV, and Ralph I. Steeves. Also present at the meeting on behalf of the Planning Board were Planning Director Richard J. McCarthy, Jr., and Peer Reviewer Steven Findlen, McMahon Associates.
17. At said meeting, the Applicant was represented by Peter A. Zahka, II, Esq., 12 School Street, Dedham, MA. Also in attendance on behalf of the Applicant were John Mannix, Principal and Director of Acquisitions of Griffith Properties, and Douglas Hartnett, Project Engineer, Managing Principal of Highpoint Engineering.
18. At the hearing the Applicant was afforded an opportunity to make a full presentation. The Applicant provided an overview of the Project as well as the revisions made in response to peer review, DRAB comments, and the above referenced meeting with the Planning Director and Planning Board Chairman. In addition, the Applicant submitted a written request for the following **WAIVERS** (which were also set forth in the Project Narrative and plans) :
 - a. **WAIVER** from Dedham Zoning By-Law Section 5.1.4 (Required Parking Spaces) to reduce the number of parking spaces from 358 to 203 spaces;
 - b. **WAIVER** from Dedham Zoning By-Law Section 5.2.2.2 (Landscaped Areas -Lot Interior) to allow interior landscaping to be as shown on plan;
 - c. **WAIVER** from Dedham Zoning By-Law Section 5.2.2.3 (Landscaped Areas-Perimeter) to allow perimeter landscaping to be as shown on plan;
 - d. **WAIVER** from Dedham Zoning By-Law Section 5.1.7.1 (Parking Lot Design Standards) to allow aisle widths to be as shown on plan;
 - e. **WAIVER** from Dedham Zoning By-Law Section 5.1.7.1 (Parking Lot Design Standards) to allow parking space size to be as shown on plan;
 - f. **WAIVER** from Dedham Zoning By-Law Section 9.5.4 (Application) to eliminate the polar diagram.
19. The above waivers are consistent with those approved on the previous plans. It is noteworthy that the Applicant has maintained the same number of parking spaces on the site. Relative to the waiver of the polar diagram (which has previously been waived) the Applicant notes that no new lights are proposed. The Applicant recognizes that the Planning Board retains jurisdiction over this matter should any problem with the lighting develop in the future.

20. In addition, consistent with the June 26, 2014, Certificate of Action for the Subject Property, the Applicant requested consideration of the following relative to deferring construction of certain aspects of the plans:

- a. The Applicant shall have the right to "land-bank" and defer the construction of those areas of the parking lot identified as P2 and P3 on Sheet C101 of the plans until such time as the Applicant determines appropriate and necessary for the use of the subject building.
- b. The construction of those areas of the parking lot related to the relocation of the westerly driveway identified as P4 on Sheet C101 of the plans shall be deferred until and coordinated with the opening of Manor Fields to the general public on the following terms and conditions:
 - (i) In the event that the opening of Manor Fields to the general public occurs within ten (10) years of the date of the decision, the Applicant shall be responsible for the relocation of said driveway at the Applicant's sole cost and expense. At least twelve (12) months prior to the opening of Manor Fields to the general public, the Town shall notify the Applicant in writing of such intended opening. Thereafter, the Applicant shall undertake such relocation of said driveway in order to complete the same within twelve (12) months or the opening of Manor Fields to the public, whichever is later.
 - (ii) In the event that the opening of Manor Fields to the general public occurs after ten (10) years from the date of this decision, the Applicant shall have no obligation and/or responsibility for the relocation of said driveway; provided, however, if the Town desires to such relocation, the Town, at its own sole cost and expense, may undertake the same in accordance with the plans; provided, further, that upon the expiration of twenty (20) years from the date of the decision the Town's right to so relocate the driveway shall terminate.

21. At said meeting Planning Director Richard McCarthy and Peer Reviewer Steven Findlen reported that all of their issues and concerns have been adequately addressed by the Applicant.

DECISION

At the meeting duly held on June 25, 2015, after discussion, the Planning Board, consisting of John R. Bethoney, Chair, Michael A. Podolski, Esq., Vice Chair, Robert D. Aldous, Clerk, James E. O'Brien IV, and Ralph I. Steeves, voted unanimously (5-0), to approve and grant the following **WAIVERS**:

- a. **WAIVER** from Dedham Zoning By-Law Section 5.1.4 (Required Parking Spaces) to reduce the number of parking spaces from 358 to 203 spaces
- b. **WAIVER** from Dedham Zoning By-Law Section 5.2.2.2 (Landscaped Areas -Lot Interior) to allow interior landscaping to be as shown on plan

- c. **WAIVER** from Dedham Zoning By-Law Section 5.2.2.3 (Landscaped Areas-Perimeter) to allow interior landscaping to be as shown on plan
- d. **WAIVER** from Dedham Zoning By-Law Section 5.1.7.1 (Parking Lot Design Standards) to allow aisle widths to be as shown on plan
- e. **WAIVER** from Dedham Zoning By-Law Section 5.1.7.1 (Parking Lot Design Standards) to allow parking space size to be as shown on plan
- f. **WAIVER** from Dedham Zoning By-Law Section 9.5.4 (Application) to eliminate the polar diagram

At the meeting duly held on June 25, 2015, after discussion, the Planning Board, consisting of John R. Bethoney, Chair, Michael A. Podolski, Esq., Vice Chair, Robert D. Aldous, Clerk, James E. O'Brien IV, and Ralph I. Steeves, voted unanimously (5-0), to approve the Application for Site Plan Review on the following terms and **CONDITIONS**:

1. Subject to the Conditions contained herein, the Project shall be substantially constructed in accordance with the Record Plans listed on Exhibit A attached hereto and incorporated herein by reference.
2. Notwithstanding any provision to the contrary, the Applicant shall have the right to "land-bank" and defer the construction of those areas of the parking lot identified as P2 and P3 on Sheet C101 of the plans until such time as the Applicant determines that it is appropriate and necessary for the use of the subject building.
3. Notwithstanding any provision to the contrary, the construction of those areas of the parking lot related to the relocation of the westerly driveway, identified as P4 on Sheet C101 of the plans, shall be deferred until and coordinated with the opening of Manor Fields to the general public on the following terms and conditions:
 - a. In the event that the opening of Manor Fields to the general public occurs within ten (10) years of the date of the decision, the Applicant shall be responsible for the relocation of said driveway at Applicant's sole cost and expense. At least twelve (12) months prior to the opening of Manor Fields to the general public, the Town shall notify Applicant in writing of such intended opening. Thereafter, Applicant shall undertake such relocation of said driveway in order to complete the same within twelve (12) months of the opening of Manor Fields to the public, whichever is later.
 - b. In the event that the opening of Manor Fields to the general public occurs after ten (10) years from the date of this decision, the Applicant shall have no obligation and/or responsibility for the relocation of said driveway. However, if the Town desires such relocation, the Town may undertake the same in accordance with the plans at the Town's sole cost and expense. Further, upon the expiration of twenty (20) years from the date of the decision the Town's right to so relocate the driveway shall terminate.
4. In the event of an emergency, the Applicant shall allow the Dedham DPW or the Dedham Westwood Water District, as may be appropriate, access to the sewer and water lines on


the Subject Property for repair purposes.

5. Dumpsters located on the Subject Property shall be screened with opaque screening and maintained in strict compliance with all Dedham Zoning Bylaws and all Board of Health Regulations.
6. The Applicant shall take reasonable steps to prohibit tractor trailer trucks from idling longer than 15 minutes in the parking area in front of the subject building. Such reasonable steps shall include, but not be limited to, written notification to tenants regarding this prohibition.
7. Members of the Planning Board and the Planning Director shall be permitted access to the project site during construction with proper notification to the Applicant subject to applicable safety requirements as established by the Applicant or its Contractor. Proper notification shall be through the construction trailer sign-in process or shall be through the emergency call number of the Applicant's representative in case of emergency or off-hours situations.
8. The site lighting will be checked by the Planning Board and/or its agent prior to an occupancy permit being granted in order to verify adequacy of the lighting levels on and off site and whether or not off-site glare has been created. If necessary, the Applicant shall adjust the lighting levels prior to an occupancy permit being issued.
9. The Applicant agrees that, no later than one year from the date of permanent occupancy permit, it shall file a written report with the Planning Director detailing the progress of the Project (as may be modified by Paragraphs 2 and 3 above), compliance with all terms and conditions of this certificate, and the expected completion date. The Planning Board reserves the right to require the Applicant to appear before the Planning Board to further discuss and review compliance with this certificate of action.
10. The Planning Director will be contacted by the Applicant upon completion of the Project (as may be modified per Paragraphs 2 and 3 above) to verify that the Project has been completed in full compliance with the specifications of the modified plan as submitted and approved in this Certificate of Action prior to any occupancy permit being issued, including a certification by the Applicant's engineer that the Project has been constructed according to said plans. A compliance letter will be issued forthwith once found to be properly completed.
11. Following construction of the Project (as may be modified per Paragraphs 2 and 3 above), the Applicant shall provide an "as-built" site plan to the Planning Board, the Building Department, and the Board of Assessors prior to the issuance of the final certificate of occupancy for buildings in the Project in accordance with applicable regulations.
12. All invoices generated by the Board's peer reviewers during the application stage shall be paid prior to the issuance of any building permits or occupancy certificates.

13. All municipal taxes and fees shall be paid in full and all taxes accounts shall be in good standing prior to the issuance of any building permit.
14. On June 24, 2015, the Applicant and its representatives met with Planning Director Richard McCarthy and Planning Board Chairman John Bethoney to review and discuss abutter concerns and Design Review Board comments relative to the Project. As a result of this meeting, the Applicant agreed to the following (which will be shown on revised plans):
- a. Gaps in the existing frontage landscaped buffer along Sprague Street will be filled in with new trees;
 - b. Vertical berms (approximately 6 inches in height) will be installed along the landscaping adjacent to both sides of 502 Sprague Street;
 - c. The bollards along the rear of 502 Sprague Street shall remain and will be supplemented with such additional bollards as required to prevent vehicles from backing into the fence at 502 Sprague Street;
 - d. The damaged fence sections at 502 Sprague Street shall be replaced and/or repaired as required.

Dated: July 8, 2015

By the Planning Board:



Robert D. Aldous, Clerk

EXHIBIT A

480 SPRAGUE STREET, DEDHAM, MA

RECORD PLANS

"Driveway Realignment with Parking Expansion, Site Development Plans", dated December 19, 2015, revised through July 1, 2015, prepared by Highpoint Engineering, Inc.